

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Forest Department - Diversion of 3069.91 Ha. (2963.00 ha. + 106.91 ha ) of forest land falling in Markapur Wildlife Sanctuary area (1691.00 Ha.), Nellore (103.00 Ha.), Giddalur (1169.00 Ha.) and Markapur and Atmakur Forest Divisions for construction of Poola Subbaiah Veligonda Project, in favour of Irrigation Department, Andhra Pradesh - Permission accorded - Orders - Issued.

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**ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT**

**G.O Ms. No. 59**

**Dated:31-05-2014.  
Read the following:-**

1. From PCCF, A.P, Hyderabad, Lr.Rc.No.44236/2004-F1, dt.16-6-2007.
2. State Govt. Lr.No.4818/For.I (1)/2007-1, dt:2-7-2007..
3. From GoI, MoEF, Lr.File. No.8-71/2007-FC, dt:30-9-2009..
4. State Govt. letter No. 4818/FOR.I (1)/2007, dt. 16-11-2012.
5. From GOI, MoEF, Lr.File. No.8-71/2007-FC, dt:9-5-2014.

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**ORDER:**

The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad in his letter 1<sup>st</sup> read above, has submitted a proposal under Forest (Conservation) Act, 1980, for diversion of 2963.00 ha. of Forest land in Markapur (WL) Division (1691.00 ha.), Nellore Division (103.00 ha.) and Giddalur Division (1169.00 ha.), for construction of Poola Subbaiah Veligonda Project in favour of Chief Engineer, Projects, Irrigation & CAD Department, Nellore,, and requested to forward the same to Government of India, Ministry of Environment & Forests, for according necessary approval under Section-2 of Forest (Conservation) Act, 1980.

2. The said proposal was sent to Government of India, Ministry of Environment & Forests, for their approval under Section-2 of Forest (Conservation) Act, 1980 vide State Government letter 2<sup>nd</sup> read above.

3. Government of India, Ministry of Environment & Forests, vide their letter 3<sup>rd</sup> read above, have accorded their approval in-principle (Stage.I) under Section-2 of Forest (Conservation) Act, 1980, for diversion of 3069.91 Ha. (2963.00 ha. + 106.91 ha ) of forest land falling in Markapur Wildlife Sanctuary (1691.00 Ha.), Nellore (103.00 Ha.), Giddalur (1169.00 Ha.) and Markapur and Atmakur Forest Divisions for construction of Poola Subbaiah Veligonda Project, in favour of Irrigation Department, Andhra Pradesh, subject to compliance of certain conditions as stipulated therein.

4. The State Government vide letter 4<sup>th</sup> read above, have furnished compliance report on the conditions stipulated by the Government of India, Ministry of Environment & Forests, while according in-principle (Stage.I) approval. The State Government vide further letters dated. 22-4-2013, 30-1-2014 and 2-5-2014 have furnished certain additional information as desired by the Government of India, Ministry of Environment & Forests.

5. Government of India, Ministry of Environment & Forests, in their letter 5<sup>th</sup> read above, have accorded their approval (Stage.II) under Section-2 of Forest (Conservation) Act, 1980, for diversion of 3069.91 Ha. (2963.00 ha. + 106.91 ha ) of forest land falling in Markapur Wildlife Sanctuary area (1691.00 Ha.), Nellore (103.00 Ha.), Giddalur (1169.00 Ha.) and Markapur and Atmakur Forest Divisions for construction of Poola Subbaiah Veligonda Project, in favour of Irrigation Department, Andhra Pradesh, subject to certain conditions as stipulated therein.

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6. Government after careful examination of the proposal, hereby accord permission to the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad, for diversion of 3069.91 Ha. (2963.00 ha. + 106.91 ha ) of forest land falling in Markapur Wildlife Sanctuary area (1691.00 Ha.), Nellore (103.00 Ha.), Giddalur (1169.00 Ha.) and Markapur and Atmakur Forest Divisions for construction of Poola Subbaiah Veligonda Project, in favour of Irrigation Department, Andhra Pradesh, subject to the following conditions:-.

- (i) The legal status of the land remain unchanged.
- (ii) The State Government shall raised and maintain from funds realized from the User-Agency, compensatory Afforestation over non-forest land equal in extent to the forest land diverted in favour of the User Agency, transferred and mutated in favour of the State Forest Department.
- (iii) The State Government shall raise and maintain from funds realized from the User-Agency, penal compensatory Afforestation over the degraded forest land five times in extent to the 38.7158 hectares of forest land utilized for non-forest purpose without obtaining final approval under the Forest (Conservation) Act, 1980.
- (iv) The non-forest land identified for CA shall be declared as Reserve Forest / Protected Forest under the Indian Forest Act, 1927, or the local Forest Act, as the case may be within a period of six months. The Nodal Officer, Forest (Conservation) Act, 1980 Government of Andhra Pradesh must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant section of the local Forest Act, as the case may be, to the Ministry of Environment & Forests, for information and record.
- (v) The State Government shall execute the Catchment Area Treatment Plan under supervision of the state Forest Department from funds realized from the User Agency for its implementation.
- (vi) State Government shall realise Additional amount of the Net Present Value (NPV) if any becoming due after finalization of the same by the Hon'ble Supreme Court of India and transfer the same to the ad-hoc CAMPA under intimation to the Ministry of Environment & Forests.
- (vii) The Project Area shall be demarcated on ground at the project cost, using four feet high RCC pillars, with each pillar inscribed with the serial number, forward and backward bearings and distance between two adjacent pillars.
- (viii) State Forest Department authorities shall have free rights to use the project roads, approaches, watercourses, facilities of motor launches, rest houses, water for nursery / forest works and similar facilities to manage forest and Wildlife Sanctuary without any hindrance
- (ix) Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.
- (x) Planting of native tree species shall be undertaken on vacant land along the reservoirs and canals.

- (xi) No tree felling in the area between FRL and FRL - 4m. levels shall be carried out.
- (xii) No labour camps shall be set up inside the forest area.
- (xiii) No damage to the flora and fauna of the area shall be caused.
- (xiv) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xv) All the conditions to be stipulated by the Hon'ble Supreme Court of India as well as the High court of Andhra Pradesh shall be strictly adhered to by the User Agency.
- (xvi) This approval shall be subject to the orders to be passed by the Hon'ble Supreme Court in I.A.s No.1865, on this project in WP(C) No.202 of 1995 on 20-10-2008 as below:-
  - A. The additional conditions, if any, imposed by the Chief Wildlife Warden, Andhra Pradesh Forest Department will be complied with.
  - B. 5% of the project cost of Rs. 999.60 crores associated with the implementation of the project works within the sanctuary i.e. Rs. 50 crores will be deposited by the project authorities for conservation and protection works in the national Parks and Wildlife Sanctuaries in the State of Andhra Pradesh. It is recommended that for this purpose a Committee under the Chairmanship of the Chief Secretary, Andhra Pradesh with the Special Chief Secretary/ Principal Secretary Forest, Principal Chief Conservator of Forests, Chief Wildlife Warden, a representative of the Director General Forests & Special Secretary to Government, Ministry of Environment & Forests, and one eminent expert (non-official) in the field of wildlife may be constituted and registered under the Societies Act. The money payable by the User Agency may be deposited with the said society. The interest received on the principal amount may be used in perpetuity for conservation and protection of the National parks and sanctuaries in the State. In case of non protected area also, comprehensive different wildlife management plan including access to water to wildlife through different measures in consultation with State Forest Department and CWLW, shall be prepared and the cost shall be deposited by the user agency before final approval so that it could be implemented by Forest Department.
- (xvii) All the 15 conditions stipulated by the National Board for Wildlife (NBWL) as per recommendation of the Chief Wildlife Warden and National Tiger Conservation authority while granting approval to the project, shall be strictly adhered to by the user agency, as detailed below.
  - a) The noise and air pollution levels are to be monitored during drilling of tunnel.
  - b) No roads should be formed.
  - c) The excavated debris should be dumped away from the Nagarjun Sagar - Srisailem Tiger Reserve and the Reserved Forest boundary and should be scientifically stabilized.

- d) No labour camps inside the sanctuary.
  - e) The labour should be provided with cooking gas to prevent dependence on the forest for fire wood etc.
  - f) The Camp sheds and others structures should be dismantled after completion of the project wherever they are constructed.
  - g) Minimum trees should be cut from the area.
  - h) No construction materials such as earth, stone etc. will be collected from the forest area for the construction workshop.
  - i) Transport of the construction material from outside may be made through water transport using ferries / boats alone.
  - j) Sufficient water shall be kept as reserve in the river for the use by the wildlife of the area throughout the season.
  - k) The construction work especially at inlet portal site should be allowed to be carried out only during day time and that also between after sun rise and before sun set period with break at regular intervals with minimum disturbance.
  - l) Works may be got executed under the presence of sufficient staff of the Forest Department on deputation as decided by the Forest Department, Nagarjun Sagar- Srisailem Tiger Reserve at the cost of user agency.
  - m) The latest technology may be used for making under ground tunnel and other activities so that no disturbance takes place to wildlife in and around the area.
  - n) The publicity on co-existence of man and wild animals due to the project may be undertaken for reciprocal public support on long-term conservation of the protected area, and.
  - o) The State Government should include the entire area of Gundla Brahmeshwaram Wildlife Sanctuary (1140 Sq. Kms. Having no human Settlement) as a core / critical tiger habitat of the Nagarjunsagar-Srisailem Tiger Reserve.
- (xviii) Any other condition that the concerned Regional Office of the Ministry of Environment & Forests, may impose from time to time for the protection and improvement of flora and fauna in the forest area.
- (xix) This approval shall also be subject to the orders to be passed by the Hon'ble Supreme Court of India in WP (C) No. 202 of 1995 and connected matters.
- (xx) The comprehensive R & R plan for Scheduled Tribes approved by the Ministry of Tribal Affairs shall be implemented and their conditions shall be followed. The R & R plan for others shall be as per National law and policy in this regard. These plan shall be implemented at the user agency's cost and in consultation with the State Forest Department.
- (xxi) All other conditions under different rules, regulations and guidelines including environmental clearance and forest rights of tribals and forest dwellers shall be complied with before transfer of forest land.
- (xxii) User Agency shall submit annual report on compliance to conditions stipulated in the approval to State Government and concerned Regional Office of the Ministry of Environment & Forests, and.

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(xxiii) The project proposal should be implemented as per the technical clearance given by the competent authority as submitted for approval under the Forest (Conservation) Act, 1980.

7. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad is directed to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.LAKSHMI PARTHA SARATHY BHASKAR,  
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To  
The Principal Chief Conservator of Forests,  
Andhra Pradesh, Hyderabad.

**Copy to:**

The Inspector General of Forests,  
Government of India, Ministry of Environment & Forests,  
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110 003

The Irrigation & CAD Department.

The Chief Engineer, Projects, Irrigation & CAD Department, Nellore.  
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER.